

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, June 4, 2008
Time	Noon – 1:30 p.m.
Location	State Capitol Complex, Olmstead Room
Members Present	Paul Boyden, Judge Jeffrey Burbank, K.S. Cornaby, Scott Daniels, Curt Garner, Marlene Gonzalez, Representative Lorie Fowlke, Senator Jon Greiner, Judge Kimberly Hornak, Rob Latham for Randy Kester, Gaby Anderson for Dan Maldonado, Jim Marchel, Judge Paul Maughan, Judge Gregory K. Orme, Robyn Williams for Tom Patterson, Kathy Reimherr, Sy Snarr, Scott Reed for Kirk Torgensen, Bob Yeates
Members Excused	David Brickey, Judge Terry Christiansen, Senator Mike Dmitrich, Representative Carl Duckworth, John Hill, Chief Ed Rhoades, Sheriff Brad Slater, Doyle Talbot
Staff	Scott Carver, Reg Garff, Jo Lynn Kruse, Chris Mitchell, Ben Peterson, Dave Walsh, Doreen Weyland
Visitors	Representative Sheryl Allen, Susan Allred, Wade Faraway, Jim Ingle, Dr. Moises Prospero, Troy Rawlings
Agenda Item	Welcome and Approval of Minutes
Notes	Kay Cornaby called the meeting to order and welcomed everyone. Kay introduced our guests, Representative Sheryl Allen, Troy Rawlings, and Susan Allred. Judge Maughn made the motion to approve the minutes from the April meeting. Sy Snarr seconded the motion which passed unanimously .
Agenda Item	Jail as a Condition of Probation Study – Dr. Prospero
Notes	<p>Utah uses jail as a condition of probation (JCFP) in our system quite regularly and is increasing. We want to see if the increase is for legitimate purposes and to know if the use is fiscally advantageous. The purposes of jail in connection with probation are many. The study's intent is to measure the increase and its use, and to help us and state policy makers to understand this use has been growing and to ask if there is a more effective way we can use it. From 1997 to 2006, JCFP sentencing has increased by 59%. This study is only for jail as a condition for probation, not jail time in general. It is cheaper for the state to pay for JCFP, because the state reimburses the jails at fifty percent of the actual cost.</p> <p>The purpose of JCFP:</p> <ul style="list-style-type: none"> Accountability/Punish Felons Awareness/Reveal the consequences of re-offending Economic/Reduce demand for prison beds Prevention/Prevent future re-offense <p>Some of the results of the study are:</p> <ul style="list-style-type: none"> On average, individuals were serving 68% of their sentences. The difference between time sentenced and time served was similar across offenses. <p>The study also looked at the effect of jail days served on re-offense and found that jail days served was <i>not</i> related to number of arrests after release. Another interest was to see if there are an optimal number of jail days served to preventing re-offense. The categories for days in jail did not increase or decrease likelihood for re-offense. No “optimal” time served was found.</p>

	<p>Differences between time sentenced and time served were:</p> <ul style="list-style-type: none"> Proportionate across types of offenses Proportionate across counties on Felony 2 crimes Some counties sentenced more days in jail than others Individual risk factors similar across counties Longer periods of time spent in jail did <i>not</i> reduce the likelihood of re-offense or reduce the time to first arrest. Dr Prospero may be contacted by email at moises.prospero@socwk.utah.edu.
Agenda Item	Cell Phone Pornography
Notes	Representative Allen discussed the recent spate of inappropriate use of electronic devices in schools. The problem is not just in Davis county. There are problems reported in Salt Lake county and elsewhere in the nation. The problem has been going on for a while with people afraid to report. The potential charges facing the juveniles (most of which are 13 – 14 years old) are the same statutes that apply to adults, a third degree felony. Paul Boyden came up with a possible solution by amending state law (dealing in harmful material to a minor) to make the offense by a minor a misdemeanor. Troy Rawlings, Paul Boyden and Representative Allen will work with Susan Allred to draft a bill for the next legislative session.
Agenda Item	Sex Offender Registration Update
Notes	Time ran short. Jim Ingle agreed to present at the next meeting.
Agenda Item	Penalty Distribution Handbook/2008 Criminal Penalties Changes Report
Notes	Scott included copies of the Penalty Distribution Handbook and the 2008 Criminal Penalties Changes Report with the handouts. Both documents are available on the Sentencing Commission website, www.sentencing.utah.gov .
Next Meeting	The next meeting will be August 6, 2008, Utah State Capitol , Capitol Board Room
Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ	